

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK D. ADAMS,

Plaintiff,

v.

S&D CARWASH MANAGEMENT,  
LLC., et al.,

Defendants.

No. 2:25-cv-1290 DC AC PS

ORDER

Plaintiff, who has paid the filing fee, is proceeding in this action pro se. The action was accordingly referred to the undersigned by Local Rule 302(c)(21). On July 10, 2025, defendants filed two motions: a motion to compel arbitration (ECF No.11), and a motion for partial dismissal pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No.12). Both motions are currently set for hearing on August 20, 2025. ECF No. 31.

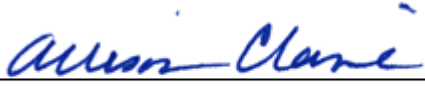
The undersigned has reviewed the briefing and finds that a ruling on the motion to compel, if in defendants' favor, will negate the need for a ruling on the motion to dismiss. Accordingly, the undersigned will refrain from ruling on the motion to dismiss at this time. The motion to compel presents a dispute of fact: defendants contend an arbitration agreement was signed with plaintiff's electronic signature (see ECF No. 28 at 2, "Defendants have provided substantial evidence authenticating Plaintiff's electronic signature, dispelling his claims that he

1 never executed the Agreement”) and plaintiff denies that he ever signed the agreement (see ECF  
2 No. 25 at 3, “undisputed facts do not show that Plaintiff signed an arbitration agreement but  
3 rather that Defendants fabricated one.”). Because plaintiff flatly denies having signed the  
4 agreement and asserts that his electronic signature is not authentic, the court concludes that an  
5 evidentiary hearing is necessary.

6 Good cause appearing, IT IS HEREBY ORDERED that the hearing set for August 20,  
7 2025 is VACATED. It is further ORDERED that an Evidentiary Hearing is set for October 1,  
8 2025, to be held in person, in Courtroom 26 at 10:00 a.m. The parties should be prepared to  
9 present evidence and be cross-examined on the issue of the authenticity of the arbitration  
10 agreement and plaintiff’s electronic signature. Each party may submit supplemental briefing and  
11 evidence no later than September 3, 2025. Supplemental briefing may not exceed 10 pages in  
12 length, exclusive of exhibits.

13 IT IS SO ORDERED.

14 DATED: August 14, 2025

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16 ALLISON CLAIRE  
17 UNITED STATES MAGISTRATE JUDGE  
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